

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

AARON GOINES, et al.,

Plaintiffs/Counter-Defendants,

v.

TITLEMAX OF VIRGINIA, INC., et al,

Defendants/Counter-Plaintiffs.

1:19-CV-489

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**PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO STAY  
PROCEEDINGS**

TitleMax concedes that the amount of the bond is in the discretion of the Court pursuant to Rule 62(b) Federal Rules of Civil Procedure. Plaintiffs have proposed to TitleMax, without success, that the bond be sizeable enough to cover 18 months of interest and an award of Attorneys' Fees in an amount sufficient to cover the costs to handle this appeal. The undersigned respectfully suggests that this amount is \$450,000.

TitleMax will not be harmed by an Order of this Court requiring it to post an adequate bond. If the Appellate process is faster than usual, or the eventual award of Attorneys' Fees and costs is lower than anticipated, TitleMax of course gets a refund and is out nothing. On the other hand, there is harm to Plaintiffs with an inadequate bond. TitleMax is already on the run, with the US Marshal now searching for their assets.

It is readily apparent that TitleMax is not cooperating and it also has a history of not following the rules which is resulting in AAA currently refusing to hear their cases. (*See* Exhibit A). Further, although there is no way for Plaintiffs to know why of course, the list of lawyers who formerly represented TitleMax seems to grow weekly—even on this docket itself. In short, Plaintiffs seek an adequate bond of \$450,000 to ensure they will be paid in full if TitleMax loses the appeal.

This the 7<sup>th</sup> day of October, 2022

s/ Andrew H. Brown  
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### **CERTIFICATE OF WORD COUNT**

I hereby certify that the foregoing document complies with the word count limits contained in LR 7.3(d)(1).

/s/ Andrew H. Brown

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N.C. State Bar No. 28450

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